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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,228	10/25/2005	Jan Alfons Catharina Mewissen	NL 030476	7923

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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JOHNSTON, PHILLIP A

ART UNIT	PAPER NUMBER
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2881

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/554,228

Applicant(s)

MEWISSEN ET AL.

Examiner

Phillip A. Johnston

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

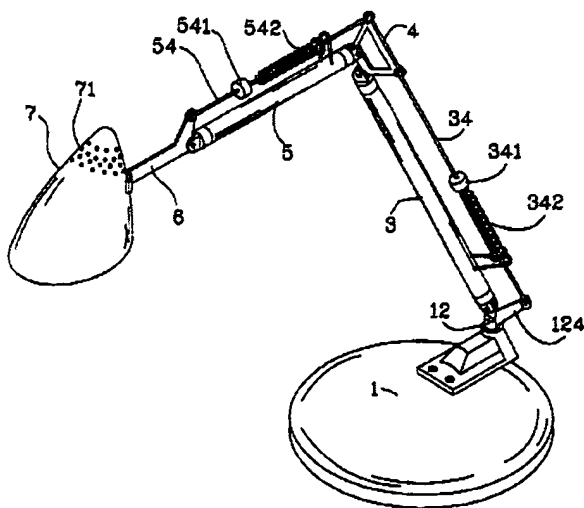
**Claims Rejection - 35 U.S. C. 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1,2, and 4 are rejected under 35 U.S.C. 102 (b) as being clearly anticipated by Yang, U.S. Patent No. 5, 339,233.

3. Regarding claim 1, Yang teaches a Lamp assembly (note Figure 1 below) having stand 1 (base), lower arm 3 (support) that is adjustable and pivotable to nearly any angular orientation (enclosing an angle  $\alpha$  with the vertical axis) by swivel device 12. Lamp shade 7 (housing) containing a bulb and socket (radiation unit).



**Fig1**

Yang further teaches that lamp shade 7 can be adjusted in the directions of the axes of X, Y and Z by turning the swivel device 12 on the axle holder 12 and, by pivoting the triple-terminal connecting frame 6 on the upper arm 5 and the upper wiring tube 54, the upper arm 5 and the upper wiring tube 54 on the lower arm 3 and the lower wiring tube 34, and the lower arm 3 and the lower wiring tube 34 on the swivel device 12 respectively. See column 1, line 55-68; column 2, line 1-52; and Figure 1 above.

4. Regarding claim 2, Yang teaches the use of a retaining device (blocking system) connected to upper arm 5 and lower arm 3 for holding the lamp and shade in any fixed X,Y,Z position (Note Figure 2 below). The retaining device includes a stop loop 44 fastened to the upper arm 5 around the upper wiring tube 54, where spring coil 542 is sleeved on the upper wiring tube 54 and stopped between a fixed ring 541 and a movable ring 543 (cylindrical blocking elements) on the upper wiring tube 54 by the stop loop 544. Col. 2, line 39-44.

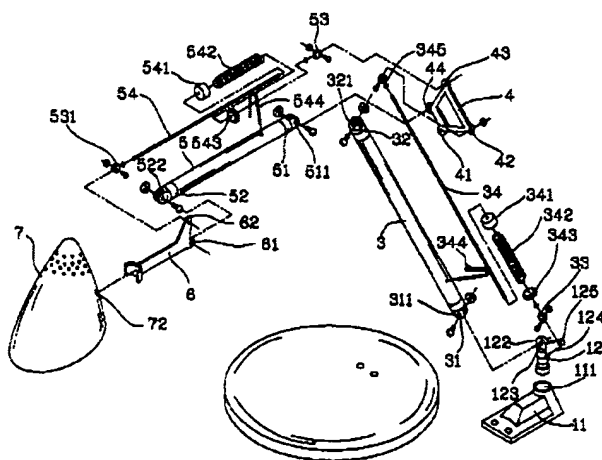


Fig2

5. Regarding claim 4, Yang teaches the upper arm 5 (shaft) and the lower arm 3 (support) are pivotably connected to each other via trapezoidal open frame 4, wherein the upper arm 5 can pivot about the axis (a pivot axis) formed when forked connector 51 is connected to pinhole 44 on frame 4 (fastening element) using a screw and nut (a clamp element), and upper arm 5 is also pivotable about the axis formed when pinhole 44 on frame 4 is connected to forked connector 32 by a screw and nut. Col. 2, line 3-13; and Figure 2 above.

***Claims Rejection – 35 U.S.C. 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,565,314 to Yang.

8. Regarding claim 3, Yang teaches the use of a triple-terminal connecting frame 6 that is pivotably connected (note Figure 2 above) at one end to the retaining device (blocking system), where the other end has a cup shaped protrusion that is fixed to the lamp shade 7 by screw holes 72. Col. 2, line 29-36.

9. Yang fails to teach a chamber provided in the housing for receiving the blocking element, comprising notches for co-operation with the protrusions.

10. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use notches for cooperating with the connecting frame protrusion of Yang since it was known in the art to use notches as a common connection means. See USPN 5,048,810 to Huang.

11. Regarding claim 5, Yang teaches all the required limitations of claims therein, as pointed out regarding claim 1 above.

12. Yang fails to teach the use of the lamp (irradiation device) for suntanning.

13. The examiner takes Official Notice that the use of a lamp for suntanning is well known in the art. See USPN 4,631,730 to Leyendecker. Therefore it would have been obvious to utilize a sunlamp in the lamp assembly of Yang to provide ultraviolet radiation for tanning.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications should be directed to Phillip Johnston whose telephone number is (571) 272-2475. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor Robert Kim can be reached at (571)272-2293. The fax phone number for the organization where the application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Application/Control Number: 10/554,228  
Art Unit: 2881

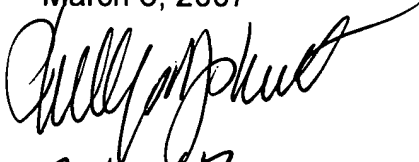
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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJ

March 6, 2007



3-6-07